

**Balázs Dobos: With or without you: Integrating Migrants into the Minority Protection Regime in Hungary**

**ABSTRACT**

In recent years, two important tendencies – the growing out-migration of the population to Western European countries and the continuous and increasing influx of immigrants and refugees to Hungary, a Schengen-zone country – have placed the issue of migration firmly on the Hungarian political agenda. However, little attention has been directed toward to the impact of migration processes on the composition of the thirteen officially recognized minorities. In addition to examining these issues, the present paper aims to evaluate how the most affected ‘old’ communities and official policies have tackled and responded to the challenges to the minority protection regime presented by the emergence of ‘new’ groups.

**Keywords:** Hungary, migration, migrant communities, autochthonous national and ethnic minorities, minority rights

After the country's transition from communism to democracy, Hungary was a net immigration country for more than two decades. According to Eurostat data as of January 2013 there were approximately 141,000 foreign citizens living in Hungary, comprising 1.4% of the population, while more than 423,000 people (4.3%) had been born abroad. Since the top five countries for immigration into Hungary were Romania, Serbia, Ukraine, Germany, and China, with 45% of foreign-born persons originating from Romania alone (EUROSTAT, 2015), scholars concluded that the majority of migrants from the neighbouring states were probably ethnic Hungarians (Kováts, 2014: 337). In recent years, possibly resulting from the economic crisis, the out-migration of the Hungarian labour force has accelerated, and some recent estimates indicate that the number of emigrants now exceeds the number of immigrants. Moreover, a 2013 analysis based on a representative sample of Hungarians from Romania revealed that for them Hungary has become a less attractive destination (Kiss & Barna, 2013). Meanwhile, the data of the Office of Immigration and Nationality demonstrate another significant trend: while, by the end of 2014 the number of immigrants and settled persons declined in one year by almost 4% to 213,000 people, the total number of registered asylum seekers in the first half of 2015 saw an 1128% rise to almost 67,000 people (Office of Immigration and Nationality, 2014; 2015) and the number of those refugees and migrants who entered the country was more than 165,000 people by the end of August. An overwhelming majority of the asylum seekers had come from Kosovo, Syria, and Afghanistan through the Western Balkans, entering Hungary from Serbia. Although many of these people seek to leave the country for Austria and Germany in particular (Frontex, 2015), during the first quarter of 2015, almost 33,000 asylum applicants were registered in Hungary, the second largest number in the European Union, after Germany (Juchno & Bitoulas, 2015). This development led the government to launch an anti-immigration campaign to build a fence on the Serbian border, which was heavily criticized by various domestic and foreign actors.

In the discussions on inward and outward migration, however, scant attention has been given to the question of how recent migration trends have changed the composition of the country's thirteen recognized minorities, potentially impacting the legal-institutional framework of minority protection. As to the term 'minority', there have been – especially since the interwar period – a number of attempts, both by international organizations and in the academic literature, to establish a precise and universally accepted definition and to enumerate the key

elements that potentially constitute a minority (see in this regard Jackson-Preece, 1998: 14-29). Citizenship is usually one of the proposed conceptual prescriptions or requirements, a condition that distinguishes the ‘new’ minorities (such as refugees and migrant workers) from ‘old’ (autochthonous) minorities. In this context, a one-hundred-year residence requirement is applied in the Hungarian approach as a necessary legal precondition to recognize a group officially.

Although, as noted above, Hungary is not among the target countries of large-scale migration within the EU, the present case study illustrates how difficult it is in many cases to draw a sharp distinction between old and new communities on account of both political and practical considerations (see, among others, Eide, 2004; Keller, 1998; Kymlicka, 2006; Medda-Windischer, 2009; Packer, 1999). This is especially so when ‘new’ groups, mostly without citizenship and access to minority rights and institutions, emerge gradually among the ‘old’ ones, the traditional holders of minority rights that meet the criteria specified in the minority law. To address this issue, the aims of this paper are multiple but also complementary. First, it examines whether and how the reconfiguration of traditional minority communities and belonging fits into the wider debates on the nature of Hungary’s domestic minority policies. But alongside a more generalized picture, it also provides a narrower focus, by locating the main issue within the broader context of the contestation over group boundaries. Second, it seeks to explore the changes in the minorities’ composition resulting from migration over the past decades, and to examine how the most affected ‘old’ communities and official policies have tackled and responded to these challenges and changes.

## **I. The ambiguous nature of minority policy in Hungary**

Despite Hungary’s relatively homogeneous ethnic composition, a rather contradictory picture emerges from the literature on the country’s minority policy and minority rights regime. Indeed, the interpretation of Hungary’s minority policy, including the relevant provisions of the previous 1949 Constitution (which was extensively amended in 1989-1990) and Act 77 of 1993 on the rights of national and ethnic minorities (Act 77 of 1993), as well as the everyday functioning of the elected system of non-territorial autonomy embodied by the so-called

minority self-governments (MSGs),<sup>1</sup> has been the subject of recurrent debates in politics and academia since the late 1980s in at least four interrelated respects.

First and foremost, given the broader Central and Eastern European context, where defining communities in ethno-cultural terms has been customary ever since the rise of nationalism and modern nation-states, defining the basis of the political community, reconciling the different approaches of the civic and ethno-cultural definitions of the nation covering either Hungarian nationals or ethnic Hungarians irrespective of their place of residence, has always been a critical issue for each post-communist government to address. Similarly, ever since the 19<sup>th</sup> century there has been an ongoing discussion in Hungarian political thought on the boundaries and potential characteristics of the Hungarian nation. In this regard, the situation of the relatively small and dispersed domestic minorities, which are mostly at an advanced stage of linguistic assimilation with several minorities having predominantly Hungarian-speaking subgroups (in particular the Roma and Armenians), means that their identities usually involve cultural ties and less often linguistic affiliations, and so clear-cut ethnic boundaries are hard to define. The vague nature of ethnic identity in Hungary has often given rise to debates concerning the complexity of belonging and the so-called 'ethno-business'. The latter refers to electoral abuses at the elections of minority self-governments, whereby some of the individuals elected were presumably or obviously non-members of the specific community. The contestation of group boundaries has played a role not just in defining the political community, the Hungarian nation, and at the minority elections; within certain communities a recent phenomenon, to be discussed below, has reignited the debate: the arrival of a significant number of persons who belong to recognized minorities but were born abroad and are non-Hungarian citizens (or possess dual citizenship).

Another disputed issue regarding the nature of Hungarian minority policy is that of the consistency between domestic minority policy and government policy in the field of kin-state activities and targeting the major Hungarian communities abroad. In this respect, Hungary, with its highly developed minority legislation, has widely been considered, in international comparative terms, a trailblazer in granting extended minority rights and non-territorial cultural autonomy (Pan & Pfeil, 2002). Moreover, in this context, domestic actors and

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<sup>1</sup> Pursuant to the minority law, MSGs are elected legal bodies that fulfil minority public service duties and are established for the protection and representation of minority interests, the enforcement of minority rights, and the administration of minority public affairs at local, regional, and national levels. At the latest 2014 minority elections, more than 2,100 MSGs were elected at the local level.

politicians (and sometimes foreign ones too) have often labelled the Hungarian case exemplary and inspirational in the broader European context. A growing number of scholars have accepted the argument that Hungary, having regard to the situation of the Hungarian minorities abroad, has been especially motivated by its desire to set an example abroad and to put pressure on the neighbouring countries (Tesser, 2003: 506). Moreover, one might further expect that in a country where, as noted above, minorities are relatively few in numbers, feel closely attached to the state and to the Hungarian ethnic majority, and are – with the exception of the Roma – well integrated into society in socio-economic terms, official policies will be more interested in creating high standards of minority protection and more capable of empowering minorities with the aim of solving their problems and satisfying their needs. In many cases, however, the objectives of the domestic minorities could not be fully achieved, and in certain cases minority participation was constrained in the decision-making processes affecting the lives of members of the minorities. Moreover, there are important institutional deficiencies and inadequacies in implementing minorities' linguistic and media rights, and the recent realization of their preferential parliamentary representation has proved to be controversial as well. Although official policies still tend to make themselves look as if they are above international standards, as pointed out, among others, by Council of Europe (CoE) monitoring, even before the outbreak of the global financial crisis a new wave of distrust and hostility rose towards Roma, who face significant socio-economic disadvantages and discrimination and are by far the country's largest minority ethnic group. This not only showed the weaknesses of anti-discrimination and anti-hate speech laws and strategies but led to local conflicts and violence against Roma communities, and also contributed to the electoral success of the radical right Jobbik party. The third disputed issue, closely related to this, has been the question of whether and to what extent cultural autonomy and minority rights are in accordance with the basic needs of the Roma.

Fourth, and more recently, discussions surrounding the nature of minority policies have been revived, becoming more intense since the 2010 parliamentary elections. The new right-wing government passed a new constitution (Fundamental Law) which came into force in 2012, bringing about a shift toward a more ethno-cultural understanding of the nation. Furthermore, in accordance with the new constitutional provisions, a new law on the rights of minorities was adopted (Act 179 of 2011). As a consequence of these developments, for some the

country not only runs the risk of democratic backsliding (Sedelmeier, 2014), but the recent changes can also be considered a setback in terms of the level of minority protection.

## **II. The socio-demographic features of minorities and in-group migrants**

According to the official censuses conducted in 2001 and 2011, the percentage of persons belonging to the recognized minorities grew from 5% to 6.5% of the population (approximately 650,000 people) on the basis of the responses of those who responded to at least one of the relevant questions (see Table 1 below).<sup>2</sup>

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<sup>2</sup> In 2001 respondents could anonymously and voluntarily choose three options on each of the four questions related to ethnicity, while in 2011 a single response option could be chosen on the first two questions (asking the ranking of nationalities to which the respondent belongs to), and two options could be picked on the other two questions (about mother tongue and the language usually spoken with the family and friends). Those who responded to at least one of the relevant questions were automatically recorded as persons belonging to minorities.

*Table 1: Censuses of 2001 and 2011 regarding national and ethnic minorities, and the number of registered minority voters at the latest, MSG elections of 2010 and 2014*

Minority	Nationality (ethnicity)		Native language		Language used among friends and in the family		Affinity with cultural values and traditions	Minority persons according to at least one response		Registered MSG voters	
	2001	2011	2001	2011	2001	2011	2001	2001	2011	2010	2014
<b>Bulgarian</b>	1,358	3,556	1,299	2,899	1,118	2,756	1,693	2,316	6,272	2,088	654
<b>Roma</b>	189,984	308,957	48,438	54,339	53,323	61,143	129,259	205,720	315,583	133,492	57,824
<b>Greek</b>	2,509	3,916	1,921	1,872	1,974	2,346	6,140	6,619	4,642	2,267	675
<b>Croat</b>	15,597	23,561	14,326	13,716	14,788	16,053	19,715	25,730	26,774	11,571	7,231
<b>Polish</b>	2,962	5,730	2,580	3,049	2,659	3,815	3,983	5,144	7,001	3,052	1,148
<b>German</b>	62,105	131,951	33,774	38,248	53,040	95,661	88,416	120,344	185,696	46,629	30,526
<b>Armenian</b>	620	3,293	294	444	300	496	836	1,165	3,571	2,357	615
<b>Romanian</b>	7,995	26,345	8,482	13,886	8,215	17,983	9,162	14,781	35,641	5,277	2,350
<b>Ruthene</b>	1,098	3,323	1,113	999	1,068	1,131	1,292	2,079	3,882	4,228	1,213
<b>Serb</b>	3,816	7,210	3,388	3,078	4,186	5,713	5,279	7,350	10,038	2,432	840
<b>Slovak</b>	17,693	29,647	11,817	9,888	18,057	16,266	26,631	39,266	35,208	12,282	8,248
<b>Slovene</b>	3,025	2,385	3,180	1,723	3,119	1,745	3,442	4,832	2,820	1,025	519
<b>Ukrainian</b>	5,070	5,633	4,885	3,384	4,519	3,245	4,779	7,393	7,396	1,338	671

Csordás, 2014: 16-18. For the minority elections: [www.valasztas.hu](http://www.valasztas.hu)

That the estimated number is sometimes twice as high as the census figure reveals the relatively high level of uncertainty surrounding minority identities in Hungary. Census results at first glance show a growing level of minority consciousness, but others remain sceptical, mostly because the vast majority also declared themselves to be Hungarian. Furthermore, some authors have questioned whether language use in the family and among friends is an appropriate tool for assessing ethnic belonging. Tátrai (2014) argues convincingly that the case of minorities in Hungary cannot be simply explained on a continuum varying from assimilation to dissimilation (p. 517); rather, their identities are dual or hybrid. ‘Symbolic ethnicity’, a term coined by Herbert J. Gans (1979), which refers to ‘a nostalgic allegiance (...), a love for and a pride in a tradition that can be felt without having to be incorporated in everyday behavior’ (p. 9), plays an important role, it is argued. Overall, probably with the exception of the Roma and Germans, it is questionable whether any real dissimilation occurred between the two censuses.

The main focus of this paper is, however, on the increasing number of persons who belong to recognized minorities but were born abroad, especially in the kin-state of the respective minority, and are non-Hungarian citizens (or possess dual citizenship). According to the results of the 2001 census, the proportion of the latter group was much higher than the national average: their ratio exceeded 25% among those who declared Bulgarian, Polish, Armenian, Romanian, Ruthene, Serb, and Ukrainian nationality and native language, but their number was more than 7% within the larger German community. Foreign citizens constituted a majority, however, only among Polish and Armenian native speakers (see Table 2-3 below). When comparing these results with those of the latest 2011 census (see Table 4), one can observe a sharp increase in the number of Romanian and Slovak citizens, partly as a result of the economic crisis, Romania’s EU accession, and also as an effect of trans-border suburbanization of such major urban centres as Bratislava and Kosice in Slovakia or Arad and Oradea in Romania. As a consequence of the latter complex phenomenon, thousands of foreign citizens have moved to cheaper apartments on the Hungarian side, while maintaining their jobs abroad and continuing to send their children to school across the border. What is interesting in their case is that especially alongside the Romanian border, they have settled in part in Hungarian towns and villages where local Romanian minority groups are already present. This phenomenon, the relationship between these two groups of Romanians has not been studied yet.



Table 2: The 2001 census results by citizenship

Minority	Nationality (ethnicity) Total	Hungarian citizens			Stateless	Non-Hungarian citizens	
		total	only Hungarian	Hungarian and other		number	percentage
<b>Bulgarian</b>	1,358	834	692	142	-	524	38.79%
<b>Roma</b>	189,984	189,701	189,675	26	5	278	0.15%
<b>Greek</b>	2,509	2030	1,775	255	-	479	19.09%
<b>Croat</b>	15,597	14,884	14,777	107	2	711	4.56%
<b>Polish</b>	2,962	1,519	1,252	267	-	1,443	48.72%
<b>German</b>	62,105	57,662	56,652	1,010	3	4,440	7.15%
<b>Armenian</b>	620	462	452	10	1	157	25.32%
<b>Romanian</b>	7,995	5,314	5,082	232	-	2,681	33.53%
<b>Ruthene</b>	1,098	715	692	23	2	381	34.70%
<b>Serb</b>	3,816	2,795	2,723	72	1	1,020	26.73%
<b>Slovak</b>	17,693	16,998	16,929	69	-	695	3.93%
<b>Slovene</b>	3,025	2,955	2943	12	1	69	2.28%
<b>Ukrainian</b>	5,070	3,358	3,296	62	8	1,704	33.61%
<b>Total</b>	<b>313,832</b>	<b>299,227</b>	<b>296,940</b>	<b>2,287</b>	<b>23</b>	<b>14,582</b>	<b>4.65%</b>

Mayer, 2005: 177.

Table 3: The 2001 census results by citizenship

Minority	Native language total	Hungarian citizens			Stateless	Non-Hungarian citizens	
		total	only Hungarian	Hungarian and other		number	percentage
<b>Bulgarian</b>	1,299	739	615	124	-	560	43.11%
<b>Roma</b>	48,438	48,150	48,137	13	5	283	0.58%
<b>Greek</b>	1,921	1,459	1,232	227	-	462	24.05%
<b>Croat</b>	14,326	13,566	13,469	97	2	758	5.29%
<b>Polish</b>	2,580	1,117	840	277	-	1,463	56.71%
<b>German</b>	33,774	29,051	28,111	940	4	4,719	13.97%
<b>Armenian</b>	294	129	125	4	-	165	56.12%
<b>Romanian</b>	8,482	5,602	5,383	219	1	2,879	33.94%
<b>Ruthene</b>	1,113	682	652	30	3	428	38.45%
<b>Serb</b>	3,388	2,281	2,205	76	1	1,106	32.64%
<b>Slovak</b>	11,817	11,160	11,090	70	-	657	5.56%
<b>Slovene</b>	3,180	3,116	3,097	19	-	64	2.01%
<b>Ukrainian</b>	4,885	3,183	3,127	56	14	1,688	34.55%
<b>Total</b>	<b>135,497</b>	<b>120,235</b>	<b>118,083</b>	<b>2,152</b>	<b>30</b>	<b>15,232</b>	<b>11.24%</b>

Mayer, 2005: 177.

Table 4: The 2011 census results by citizenship

Minority persons according to at least one response	Hungarian	Croatian	Austrian	Romanian	Serbian	Slovak	Slovene	Ukrainian	Citizen of other country	Total
	Citizen									
Bulgarian	5 794	–	4	11	–	3	–	2	458	6 272
Roma	314 738	1	2	649	12	65	–	32	84	315 583
Greek	4 176	2	8	6	–	2	–	2	446	4 642
Croat	26 054	446	21	1	93	8	3	2	146	26 774
Polish	5 523	1	7	2	–	7	–	18	1 443	7 001
German	174 553	31	1 556	199	68	85	6	28	9 170	185 696
Armenian	3 383	–	2	14	1	–	–	9	162	3 571
Romanian	25 318	–	8	10 192	1	–	–	14	108	35 641
Ruthene	3 695	–	–	15	2	3	–	142	25	3 882
Serb	8 524	53	7	10	1 294	5	7	4	134	10 038
Slovak	31 457	–	5	7	3	3 674	1	7	54	35 208
Slovene	2 700	1	2	1	5	13	86	1	11	2 820
Ukrainian	4 638	–	1	11	–	6	–	2 670	70	7 396

Hungarian Central Statistical Office 2014.

In this respect, when it comes to examining those who were born abroad, one gets a more nuanced and complex picture: in 2001, their proportion reached 55% among Ruthenes, almost 50% among Romanians and Ukrainians, 42% among Bulgarians and Poles, 38% among Serbs, 31% among Armenians, and 19% among Greeks. Among the larger communities, the proportions reached 8% for Croats and Germans, and 6% for Slovaks (see Table 5 below).

*Table 5: The number and proportion of foreign-born persons belonging to minorities, 2001*

<b>Minority</b>	<b>Total</b>	<b>Persons born abroad</b>	<b>Proportion of persons born abroad (percent)</b>	<b>Share of the total number of persons born abroad (percent)</b>
<b>Bulgarian</b>	2,316	977	42.18	2.78
<b>Roma</b>	205,720	932	0.45	2.65
<b>Greek</b>	6,619	1,290	19.49	3.67
<b>Croatian</b>	25,730	2,050	7.97	5.84
<b>Polish</b>	5,144	2,162	42.03	6.16
<b>German</b>	120,344	9,756	8.11	27.79
<b>Armenian</b>	1,165	366	31.42	1.04
<b>Romanian</b>	14,781	7,286	49.29	20.76
<b>Ruthene</b>	2,079	1,142	54.93	3.25
<b>Serbian</b>	7,350	2,808	38.20	8.00
<b>Slovak</b>	39,266	2,360	6.01	6.72
<b>Slovene</b>	4,832	307	6.35	0.87
<b>Ukrainian</b>	7,393	3,668	49.61	10.45
<b>Total</b>	442,739	35,104	7.93	100.00

*Source:* Tóth & Vékás, 2004a: 4428-4429.

These people have close ties to their kin-states: in 2001, 98% of the foreign-born Romanians had been born in Romania, 91% of the Poles and Bulgarians in Poland and Bulgaria respectively, 88% of the Serbs in Serbia and Montenegro, and 85% of the Ukrainians in Ukraine. In contrast, only 38.5% of the Armenians had been born in Armenia and almost 30% of them in Romania, while 45% of the Ruthenes had been born in Russia and 36% in Ukraine. As to the larger communities, 54% of the Germans had been born in Germany, 8.5% in Austria, 2% in Switzerland, 76% of the Slovaks in Slovakia, 41% of the Croats in Croatia, and 29% of the Slovenes in Slovenia (Tóth & Vékás, 2004b: 543-545).

### **III. Main stages in the development of the legal framework**

The elaboration of the 1993 minority law began in the late 1980s, during the communist era. In November 1988 the Central Committee of the Hungarian Socialist Workers' Party issued a

resolution on ‘the improvement of minority policy and the policies of the minority law’, a document that contained a political commitment to granting Hungarian citizens the freedom to choose their identity. It is noteworthy, however, that ‘The basic principles of the draft law on the rights of national and ethnic minorities’ elaborated by the government a year later, did not set Hungarian citizenship as a precondition.

In December 1990, a few months after the first democratic parliamentary elections in Hungary, a bill drafted by the Ministry of Justice included refugees and non-citizens with residence permits among the minority groups, in addition to Hungarian citizens who had affiliations to the recognized minority communities (Draft law, 22 December 1990). Indeed, the Ministry of Justice consistently argued for the inclusion of non-citizens in the scope of the law (Letter from Péter Vágvölgyi, 1991; Letter from Tibor Bogdán, 1991). Likewise, the 1991 draft law of the Minority Roundtable, an umbrella organization representing thirteen minorities, included those resident non-citizens who had been living in Hungary for at least five years – a crucial demand which was subsequently articulated with growing vehemence by minority representatives. Meanwhile, however, the draft on the basic principles of the law that was elaborated in late 1990 by the competent government agency, the Office for National and Ethnic Minorities, sought to exclude foreigners, in accordance with the relevant documents of the Organization for Security and Cooperation in Europe (OSCE) and CoE, which began to appear in the early 1990s (Jackson-Preece, 1998: 28). Negotiations between the Office and the Roundtable resulted in a compromise draft that included in the legislation those resident non-citizens whose communities had been living in the country for at least thirty years (Draft law, 30 August 1991). A subsequent draft, elaborated in the autumn of 1991, stipulated that non-Hungarian citizens should not have the right to be elected as members of the anticipated MSGs (Draft law, October-November 1991).

Regardless of the above efforts and contrary to earlier ideas, the draft law of the Ministry of Interior elaborated in early 1992 prescribed the inclusion only of Hungarian citizens belonging to the recognized minority groups (Draft law, January 1992; Draft law, 6 February 1992). Accordingly, Act 77 of 1993 on the rights of national and ethnic minorities contained the provision that its terms were to be applied to ‘all persons of Hungarian citizenship residing

in the territory of the Republic of Hungary who consider themselves members of any national or ethnic minority and to the communities of these people.’<sup>3</sup>

The establishment of non-territorial autonomy for the highly assimilated, domestic minority groups, as envisioned by the Minority Act, was closely connected with the challenging issue of defining community boundaries in Hungary. As the minorities originally refused any kind of registration of persons with minority affiliation, there were – given the uncertainties surrounding identities and the differences between census results and estimates – difficulties at the elections of MSGs in terms of implementing and enforcing those provisions that declared the minorities’ right to establish MSGs and that minority rights were applicable to Hungarian citizens. It is a fact that between 1994 and 2006, every adult Hungarian citizen, regardless of ethnic background, had the right to vote for and be elected to the MSGs (Act 61 of 1994, Article 2:1). As the minority elections took place on the same days and at the same polling stations as the local council elections, and since every voter received the same ballot sheets, however, as an unintended consequence of the election system, non-citizens established in Hungary could in reality also vote in minority elections. Evidently, however, such persons could not be elected to the MSGs.

In order to reduce electoral abuse (commonly referred to as ‘ethno-business’) and to strengthen the system of autonomy, a long-term process of amendment began in 1997, reaching its conclusion in the 2005 law on the elections of MSGs, which constituted a full-scale amendment of the 1993 minority law. During this process of revision, the question arose as to whether non-Hungarian citizens belonging to recognized communities should be incorporated in the scope of the law or whether, in accordance with the 1993 law, only citizens with minority affiliations should be granted minority rights.

The latter idea was first proposed in the draft law of the Ministry of Interior during the amendment process in 2000 (Draft law, 29 March 2000). At the time, the minorities expressed their strong opposition to this change (Letter from the presidents, 26 July 2000). As the thirteen communities were affected by migration to differing degrees, for some the issue was

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<sup>3</sup> Article 1 (1). The term ‘national or ethnic minority’ was defined as ‘an ethnic group which has been living on the territory of the Republic of Hungary for at least one century, which represents a numerical minority among the citizens of the state, the members of which are Hungarian citizens, and are distinguished from the rest of the citizens by their own language, culture and traditions, and at the same time demonstrate a sense of belonging together, which is aimed at the preservation of all these, and at the expression and the protection of the interests of their historical communities.’ (Act 77 of 1993).

not particularly important. Even so, they accepted that for others the issue of non-citizens established in the country exercising minority rights, including institutional access to MSGs, was a crucial one.

The 2002 amendment of the constitution, made in anticipation of EU accession, brought important changes to the legal framework: the major electoral rules were harmonized with the relevant provision of the EU Treaty, stipulating that every EU citizen has the right to vote for and stand as a candidate in local and European Parliament elections in whichever EU country the citizen resides. An indirect effect of the amendment was that it repealed the constitutional provision that declared each Hungarian citizen's right to vote in and be elected at the MSG elections. In other words, Parliament was given the freedom to decide on the future rules (Act 61 of 2002, Article 7:9).<sup>4</sup>

The preliminary concept of the Office for National and Ethnic Minorities sought to limit the scope of the law to Hungarian citizens (Preliminary concept, 21 October 2002). The head of the Polish national self-government summarized the position of the minorities as follows: 'We find it unacceptable that the bill would grant the right to participate at the minority elections only to Hungarian citizens. This would exclude those minority people who are officially resided in Hungary and who otherwise can participate at the local elections. They would only be excluded from their own elections' (Letter from Konrad Sutarski, 15 January 2004).<sup>5</sup>

As a result, the law proposal submitted to Parliament in March 2004 included EU citizens, refugees, migrants and resident persons who also belonged to the recognized national and ethnic minorities into the scope of the minority law (Law proposal no. 9126). Initially, the four parties in Parliament agreed to extend the personal scope of the minority law, but in October 2004 there was a serious shift in the position of the major opposition party, Fidesz, which claimed that the issue of 'traditional minorities' should not be conflated with the question of migrants. In response, leaders of the four largest minorities stated that 'we cannot understand that, while in 2006 EU citizens will have the right to vote at local elections, they should be excluded from the elections of MSGs' (Letter from Ottó Heinek, 19 October 2004).

By the end of May 2005, the negotiations between the opposition Fidesz and the ruling Socialist Party ended in a compromise which, as regards the subjects of the 1993 law,

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<sup>4</sup> At the municipal elections, migrants, refugees, and resident persons also have the right to vote.

<sup>5</sup> See also Letter from the presidents (20 January 2004).

returned to the stipulation of Hungarian citizenship and excluded foreign citizens from voting for MSGs. The provisions of the adopted law were to apply only to those Hungarian citizens who belonged to recognized minority communities (Act 114 of 2005).

The new 2011 law on the rights of minorities extends its personal scope to non-Hungarian citizens belonging to minorities, including EU citizens, refugees, and immigrants residing in Hungary. This was indeed an old minority demand. As a result of the changes, in 2014 these groups also gained the right to vote for, and be elected to the MSGs. However, this state of affairs will only last for one term, as by 2019 the law will cover only Hungarian citizens, for a distinction is to be made between ‘traditional’ and migrant communities. In the parliamentary debate two points were argued by government MPs: they highlighted a need to return to the personal cycle of ‘traditional minorities’ and found that there was no constitutional obligation to extend the scope of minority rights to non-citizens.

## **Conclusions**

As shown by the census data on the decline of minority language use in certain minorities (see Table 1), one of the key questions about the future prospects of the Hungarian model is whether it has the potential to slow down and possibly reverse linguistic assimilation among the recognized minorities, while none of the non-recognized groups managed to be included in the minority law in the past two decades. In other words, whether the recent shift towards a more ethno-cultural understanding of the nation, the extension of the cultural autonomy, or transnational migration will eventually be factors which will strengthen Hungarian components of identities, the ‘symbolic ethnicity’, or will result in more conscious, ‘dissimilated’ groups. In this context, as seen in the preceding sections, representatives of the recognized minorities long sought to extend the application of minority law to non-Hungarian citizens established in the country who have favourable socioeconomic positions, better native language skills, close ties to the kin-states, and stronger ethnic identities. Although the 2011 minority law temporarily extends its personal scope to non-Hungarian citizens, another key question is whether there will be a significant need among the minorities for maintaining this extension or if these rights will be restricted again to ‘old’ minorities.

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